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SENATE BILL 772

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
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5  
6 March 10, 1999

7  
8 Mr. President:

9  
10 Your JUDICIARY COMMITTEE, to whom has been referred

11  
12 SENATE BILL 772

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14 has had it under consideration and reports same with  
15 recommendation that it DO NOT PASS, but that

16  
17 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR

18 SENATE BILL 772

19  
20 DO PASS, and further recommends that it now be referred to the  
21 COMMITTEES' COMMITTEE.

22  
23 Respectfully submitted,

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\_\_\_\_\_  
Michael S. Sanchez, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 1 Against

Yes: 5

No: Davis

Excused: Aragon, Tsosie

Absent: None

S0772JU1

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 772

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ESTABLISHING A SYSTEM BENEFITS CHARGE ON RETAIL ELECTRIC  
SALES; CREATING A FUND; MAKING AN APPROPRIATION; ENACTING A  
SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Utility Act is  
enacted to read:

"NEW MATERIAL SYSTEM BENEFITS CHARGE--RECOVERY--  
COLLECTION--ELECTRIC INDUSTRY SYSTEM BENEFITS FUND CREATED--  
SUPPORT FOR ADMINISTRATION, CUSTOMER INFORMATION, LOW-INCOME  
CUSTOMERS AND RENEWABLE TECHNOLOGY.--

A. Beginning January 1, 2001, a "system benefits  
charge" in the amount of three-hundredths of one cent (\$.0003)  
per kilowatt-hour is created and imposed on all retail

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1 electric kilowatt-hour sales in the state billed by public  
2 utilities, municipal utilities and distribution cooperative  
3 utilities. The public regulation commission shall eliminate  
4 any portion of the system benefits charge that is not being  
5 used for the purposes specified in Subsection F of this  
6 section. The system benefits charge shall be separately  
7 identified on electric bills rendered to customers.

8 B. Wires charges assessed on a per kilowatt-hour  
9 basis for the system benefits charge shall be paid by each  
10 customer to the public utility, the distribution cooperative  
11 utility or the municipal utility providing the service.  
12 Revenues collected as the system benefits charge shall be paid  
13 to the electric industry system benefits fund and distributed  
14 in accordance with the provisions of Subsections E and F of  
15 this section.

16 C. The "electric industry system benefits fund" is  
17 created and consists of money collected as a wires charge  
18 assessed on a three-hundredths-of-one-cent (\$.0003) per  
19 kilowatt-hour basis as the system benefits charge collected  
20 monthly and paid quarterly to the department of environment.  
21 No other money shall be deposited or paid in the electric  
22 industry system benefits fund. Interest or other earnings  
23 from investment or deposit of the fund shall be credited to  
24 the fund. Any unexpended or unencumbered balance remaining in  
25 the fund at the end of any fiscal year shall be transferred to  
the general fund.

D. Money in the electric industry system benefits  
fund is appropriated to the department of environment solely

1 for the purpose of disbursing money to authorized recipients  
2 for authorized purposes as described in Subsection F of this  
3 section. Disbursements from the fund shall be made upon  
4 certification by the secretary of environment that the  
5 disbursement is for a payment authorized by Subsection F of  
6 this section.

7 E. The department of environment shall promulgate  
8 rules establishing the application procedure and required  
9 qualifications of projects, including a person or business  
10 that may attempt to participate, contract or join with an  
11 authorized recipient in applying for a disbursement from the  
12 fund. The department may periodically accept applications for  
13 disbursement from the fund and shall prioritize the acceptable  
14 applications considering:

15 (1) the contribution the project offers to the  
16 knowledge of and potential commercialization of the renewable  
17 energy;

18 (2) the geographic area of the state in which  
19 the project is to be conducted in relation to other projects;

20 (3) the cost of the project and the relative  
21 contribution of the disbursement sought from the fund to the  
22 total cost of the project; and

23 (4) in the case of a project of a school  
24 district, the number and involvement of students in the  
25 project.

1 F. The department of environment shall manage,  
2 administer and maintain the fund in the following manner and  
3 for the following purposes:

4 (1) no more than one hundred thousand dollars  
5 (\$100,000) annually to the department for administration of  
6 the fund;

7 (2) five hundred thousand dollars (\$500,000)  
8 annually to the public regulation commission for consumer  
9 education and information relating to any competitive choices  
10 available to consumers of electric service;

11 (3) no less than five hundred thousand dollars  
12 (\$500,000) annually for low-income energy assistance through  
13 the federal low-income housing energy assistance project to be  
14 expended for that project's weatherization program  
15 administered by the New Mexico mortgage finance authority or  
16 for other low-income energy assistance authorized and  
17 administered by the state; and

18 (4) no more than four million dollars  
19 (\$4,000,000) annually to encourage the use of renewable energy  
20 through the initiation, development and evaluation of  
21 renewable or emerging technology projects authorized and  
22 directed by public post-secondary educational institutions or  
23 a school district in conjunction with the education of its  
24 students or by the governing body of an incorporated city,  
25 town or village or a county, each in conjunction with the



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FORTY- FOURTH LEGI SLATURE  
FIRST SESSI ON, 1999

March 12, 1999

Mr. Presi dent:

Your COMMI TTEES' COMMI TTEE, to whom has been referred

SENATE JUDI CIARY COMMI TTEE SUBSTI TUTE FOR  
SENATE BIL L 772

has had it under consideration and reports same WI THOUT  
RECOMMENDATI ON.

Respectful ly submi tted,

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SJC/SB 772

FORTY-SECOND LEGISLATURE  
SECOND SESSION

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KEYBOARD(TYPE SLUGS)

Page 10

\_\_\_\_\_  
Manny M. Aragon, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

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FORTY-SECOND LEGISLATURE  
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 11

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

March 12, 1999

Mr. President:

Your COMMITTEES' COMMITTEE, to whom has been referred

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 772

has had it under consideration and reports same WITHOUT  
RECOMMENDATION.

Respectfully submitted,

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SJC/SB 772

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KEYBOARD(TYPE SLUGS)

Page 12

\_\_\_\_\_  
Manny M. Aragon, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

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FORTY-SECOND LEGISLATURE  
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 13

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

March 17, 1999

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 772

has had it under consideration and reports same with recommendation  
that it DO PASS.

Respectfully submitted,

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SJC/SB 772

FORTY-SECOND LEGISLATURE  
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KEYBOARD(TYPE SLUGS)

Page 14

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 2 Against

Yes: 5

No: Lyons, Wilson

Excused: Carraro, Ingle, McKibben, Rodriguez, Smith, Tsosie

Absent: None

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SJC/SB 772

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KEYBOARD(TYPE SLUGS)

Page 16

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

March 17, 1999

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 772

has had it under consideration and reports same with recommendation  
that it DO PASS.

Respectfully submitted,

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FORTY-SECOND LEGISLATURE  
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 17

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 2 Against

Yes: 5

No: Lyons, Wilson

Excused: Carraro, Ingle, McKibben, Rodriguez, Smith, Tsosie

Absent: None

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SJC/SB 772

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SECOND SESSION

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KEYBOARD(TYPE SLUGS)

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